

March 6, 2007

Mr. Scott called the workshop meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. The Sunshine Statement was read.

Members Present: Mr. Mazza, Mr. Martin, Mr. Brandt, Mr. Lukasik, Mr. Kirkpatrick, Mr. Walchuck, Mr. Taibi, Mr. Scott, Mr. Bischoff

Members Absent: Mrs. Nargi

Others Present: Carl Hintz, Paul Ferriero, David Mills

Mr. Scott announced the first order of business was to go into Executive Session to discuss the Bulvanoski Litigation. Mr. Kirkpatrick made a motion to go into Executive Session. Mr. Lukasik seconded the motion. (7:02 p.m.)

Vote: All Ayes, No Nays, Motion Carried

A Resolution providing for a meeting Not Open to the Public in Accordance with the revisions of the N.J.S.A. 10:A-4-12.

WHEREAS, the Planning Board of the Township of Union is subject to the Open Public Meetings Act, N.J.S.A. 10:A-4-6, et Seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:A-4-12, provides that an Executive Session, not open to the Public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Planning Board of the Township of Union, assembled in public session on March 6, 2007, in the Municipal Building, 140 Perryville Road, Hampton, NJ 08827, for the discussion of matters relating to the specific items designated above.

It is anticipated the deliberations conducted in closed session may be disclosed to the public upon determination by the Planning Board that the public interest will no longer be served by such confidentiality.

The Executive Session ended at 8:30 p.m.

Mr. Lukasik made a motion to return to the regular session. Mr. Mazza seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

**Zoning Ordinance Issues:** Mr. Scott said that Mr. Hintz had issued a memorandum dated February 21, 2007 listing some zoning ordinance issues. Mr. Hintz said Zoning Officer David Mills had brought to his attention two zoning issues that may require amendments to the Ordinance.

The Maximum Impervious Surface Ratio requirement in the VR District for Single Family Detached dwellings is 0.03. Thus a two acre lot would be limited to coverage of about 2,600 s.f. That would include the house, driveway, walks, patios, etc. Mr. Hintz compared that to the impervious coverage of a Single Family Detached Cluster lot where a 1.5 acre lot could have up to 0.25 or 16,335 s.f. He said the Minimum Open Space Ratio requirement may need to be clarified as well. The other issue related to Section 30-7c.2 that permits a reduction of bulk requirements (such as front yard setbacks) in relation to the smaller percent size. A 3 acre lot in a 9 acre zone could have a 1/3 reduction in setback. Mr. Hintz said if the Board may want to clarify the language in the Ordinance pertaining to those issues. He said the Township Committee could authorize the preparation of an Ordinance and send it to the Board for it to review. The Board could make a recommendation to the Committee and a Public Hearing would be scheduled. Mr. Hintz said he could work with Atty. Jost on the matter, if the Board wanted him to. David Mills said problems have arisen for persons living in the villages of Norton, Jutland and Pattenburg who may wish to build a garage, i.e. A bulk variance would be required. Mr. Ferriero said he felt it was best to use a ratio figure rather than a fixed number. He also said a set of standards for non-conforming lots could be created, based on the lot size. Mr. Scott asked that Messrs. Ferriero and Hintz work on recommendations to the Board

**Zoning Official Comments:** David Mills introduced Chris Kotalic, contract purchaser of a property at Lookout Pointe. Mr. Mills said there is a problem with the driveways. The driveways are not wide enough for adequate turning of vehicles, specifically full size vans and pickup trucks. Mr. Mills said many of the Lookout Pointe property owners will have the problem. He said the macadam driveways are 3 to 5 feet off the property line, a design standard established for Lookout Pointe. Normally the setback would be 12 feet. Mr. Hintz said there is a drainage swale between lots. Mr. Kirkpatrick explained the rationale for the design standard. He had worked for Eastern States Engineering who had prepared the site plan. Mr. Ferriero said Toll Bros. generally has a policy to construct a swale between lots. Mr. Scott said it would be almost impossible to change the driveway because it would affect drainage. Mr. Ferriero indicated that would be true. Toll told Mr. Kotalic he should discuss the matter with the Planning Board. Mr. Lukasik thought it was the builder's problem. Mr. Kotalic said he will be closing on the property tomorrow. Mr. Scott said there could be a provision of closing that would require Toll to come before the Board for an appropriate approval. He said Toll has relevant information to proceed with an application. Mr. Scott asked Mr. Ferriero if the matter could be considered as a field change. Mr. Ferriero said it could if it was not for the variance. Mr. Kotalic thanked the Board for their time.

**Highlands Report:** Mr. Hintz said there were two memos. One is entitled Overview and the other is General Comments for the Council. The Overview was a synopsis of the Plan and addressed issues in the Plan. Mr. Hintz had explained some differences in the Protection and Conservation Zones at the February 6, 2007 Workshop.

He said the purpose of the General Comments was to provide suggestions for the Board to make recommendations to the Township Committee or send directly to the Highlands Council. Mr. Hintz said the Council had ignored the Preliminary and Final Subdivision and/or Site Plan approvals of Foster Wheeler, Sterling Properties, Renaissance Age Restricted Community and Lookout Pointe. The sites should be in the Planned Community area. Some of the properties have public sewer and water and that is not shown. Mr. Hintz said he could prepare a letter addressing concerns. He also said comments are required by April 2, 2007. Mr. Scott mentioned a couple of significant parcels in the Township. They are the Pattenburg and Red Hills Quarries. The Pattenburg site is in the Highlands Preservation area and will be governed by Highlands Legislation. The Red Hills site will not have the same restrictions. Mr. Bischoff asked if there was an option to change the site from the Highlands Planning/Conservation area to the Highlands Planning area/Union Township Planned area. Mr. Hintz said that could be a comment. The only downside would be to target the area for some type of future development.

Mr. Hintz will prepare a letter for the Board to review. A map identifying various properties that should be placed in the Planned Community/Specially Planned area will be enclosed with the letter. This item will be placed on the March 22, 2007 agenda.

Mr. Scott asked Mr. Hintz if the Zoning Ordinance Issues matter would be ready for the April 3, 2007 Workshop. It was decided to place that item on the May 1, 2007 agenda.

**Public Comment:** None

**Correspondence:** UTEC Minutes: February 13, 2007 Draft For Board's Information

**Approval of Minutes:** Mr. Bischoff noted two minor errors. Mr. Mazza made a motion to approve the January 25, 2007 minutes, as amended. Mr. Bischoff seconded the motion.

Vote: All Ayes

Mr. Bischoff made a motion to approve the February 6, 2007 Workshop minutes.  
Mr. Lukasik seconded the motion.

Vote: All Ayes

Mr. Bischoff made a motion to adjourn the meeting. Mr. Mazza seconded the motion.  
(9:30 p.m.)

Grace A. Kocher, Secretary